

## **REMARKS/ARGUMENTS**

The Examiner is thanked for the careful review of this Application. Claims 1, 2, 5-12, 15-30 are pending after entry of the present Amendment. Claims 3, 4, 13, and 14 were previously cancelled. Amendments were made to the claims to correct typographical errors and better define the invention. The amendments do not introduce new matter.

### **Objections to Claims:**

The Office has objected to claim 15 for depending on the cancelled dependent claim 14. Claims 15 and 20 have been amended to correctly depend from claims 12 and 19, respectively. Accordingly, it is respectfully requested that objection to the claims be withdrawn.

### **Rejections under 35 U.S.C. § 102(e)**

The Office has rejected claims 1, 2 5-9, 11, 12, 15-19, and 21-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,615,264 to Stoltz et al. (Stoltz). The Applicant respectfully traverses each rejection for at least the following reasons.

Stoltz discloses a method and apparatus for remotely administered authentication and access control services. The subject invention, as defined in the amended independent claims 1, 11, and 21, provides a method, system, and computer readable medium for identifying a smart card. It is respectfully submitted that Stoltz fails to disclose identifying a smart card, as defined in the amended independent claims 1, 11, and 21. Among other features, Stoltz fails to disclose obtaining a token type by consulting a configuration file or a probe order file. Furthermore, Stoltz fails to disclose a configuration file or a probe order file, as defined in the claimed invention. It is respectfully submitted that Applicant's interpretation is also supported by the Office, as provided in the Office Action. Citing to column 18, lines 10-18, the Office has interpreted that Stoltz discloses using a token ID and a token type to identify the smart card. However, the Office has not specifically concluded that Stoltz discloses obtaining the token type by consulting a configuration file or a probe order file. Furthermore, the Office has failed to refer to any specific excerpts of Stoltz wherein the token type is obtained by consulting a configuration file or a probe order file. Nor do the excerpts cited by the Office disclose a configuration file or a probe order file, as defined in the claimed invention.

Furthermore, the Office has not cited to any specific components in Stoltz that are interpreted by the Office to be equivalent to the configuration file or the probe order file of the claimed invention. As such, the Applicants respectfully submit that the Applicant cannot specifically determine the exact components that are being referred to by the Office. Nonetheless, having reviewed the cited excerpts of Stoltz, it is respectfully submitted the Office has not interpreted the claims of the subject invention using the definitions for the configuration file and the probe order file, as provided in the specification. It is well established that during patent examination, the pending claims must be given the broadest reasonable interpretation consistent with the specification. *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). When the specification provides definitions for terms appearing in the claims, the specification can be used in interpreting the claim language. *In re Vogel*, 422 F.2d 438, 441, 164 USPQ 619, 622 (CCPA 1970). It is respectfully submitted the Office has not interpreted the claims of the subject invention using the definitions for the configuration file and the probe order file, as provided in the specification. For instance, according to one embodiment of the present invention, on page 13, lines 3-5, the configuration file is defined as a file that is configured to interpret potential valid token ID's and to associate a correct token type with a token ID. According to another embodiment, on lines 10-12, the Applicant has indicated that the probe order file is configured to direct a computing device to the correct configuration files in the correct order. The Applicant respectfully submits that there are no components in Stoltz that can provide such functions.

Thus, amended independent claims 1, 11, and 21 are respectfully submitted to be patentable under 35 U.S.C. § 102(e) over Stoltz. In a like manner, dependent claims 2, 5-9, 12, 15-19, and 21-29 each of which directly or indirectly depends from the respective independent claim 1, 11, and 21 are submitted to be patentable 35 U.S.C. § 102(e) over Stoltz for at least the reasons set forth above regarding the corresponding independent claim 1, 11, and 21. As such, the Applicant respectfully requests that the § 102(e) rejections be withdrawn.

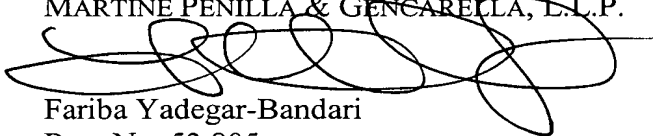
#### **Rejections under 35 U.S.C. § 103(a)**

The Office has rejected claims 10, 20, and 30 under 35 U.S.C. section 103(a), as being unpatentable over Stoltz in view of Schlumberger (Schlumberger Unveils E-Cash Enabled Smart Loyalty Card. News wire). The Applicant respectfully submits that Stoltz and the subject application were, at the time the subject invention was made, subject to an obligation of assignment to the same person or organization, Sun Microsystems, Inc. See MPEP § § 706.02(l) and 2146. Accordingly, rejection of claims under § 103 (a) should be withdrawn.

App. No. 09/801,410  
Amendment, Dated July 5, 2005  
Reply to Office Action of April 5, 2005

In view of the foregoing, the Applicant respectfully submits that all of the pending claims are in a condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6913. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP588). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, L.L.P.



Fariba Yadegar-Bandari  
Reg. No. 53,805

Martine Penilla & Gencarella, LLP  
710 Lakeway Drive, Suite 200  
Sunnyvale, California 94085  
Telephone: (408) 774-6913  
Facsimile: (408) 749-6901  
**Customer Number 32291**